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11 Attorneys For:  
12 PLAINTIFF **C-ONE TECHNOLOGY & PRETEC**

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

16 **C-ONE TECHNOLOGY & PRETEC**  
17 **ELECTRONICS CORPORATION**  
18 **Plaintiff**

19 **CASE NUMBER: C 08-02442 PJH; AND**  
20 **RELATED ACTION NUMBER: C-08-03660**  
21 **PJH**

22 **- Vs -**

23 **JOINT STIPULATED REQUEST**  
24 **FOR ORDER**  
25 **CHANGING TIME OF**  
26 **CASE MANAGEMENT CONFERENCE**  
27 **AS WELL AS ALL OTHER**  
28 **RELATED DATES AND TIMES**

**DECLARATION OF D. P. SINDICICH**  
**IN SUPPORT THEREOF**

**MOUNT & STOELKER, P.C., & Daniel S.**  
**Mount, inclusive**  
**Defendant.**

**[PROPOSED] ODER**

**[CIVIL LOCAL RULE 6-2 & 7-12]**

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**STIPULATED REQUEST FOR ORDER CHANGING TIME**  
**C-ONE TECHNOLOGY -V- MOUNT & STOELKER**  
**Case No. C 08-02442 PJH**

1 WHEREAS on July 8, 2008 the Court issued an Order setting the Case Management  
2 Conference in this Case for Thursday, August 28, 2008 at 2:30 PM in Department 3 and further  
3 ordered that a joint case management conference statement addressing each of the items listed in the  
4 “Standing Order For All Judges of the Northern District” be filed with the Court not less than seven  
5 calendar days prior to the scheduled Case Management Conference.

6 WHEREAS Defendants Mount & Stoelker’s and Daniel S. Mount’s (together referred  
7 to as “M&S”) pending motion to dismiss this Case for Lack of Federal Jurisdiction, originally  
8 scheduled to be heard on August 27, 2007 has now been continued to October 1, 2008, a date well  
9 after the date set for the Case Management Conference.

10 WHEREAS Defendat Mount & Stoelher PC has filed a subsequent motion for remand  
11 [Case No C-08-03660] which was adjudged by Order of the Court on August 14, 2008 to be related  
12 and was therefore reassigned to this Department and also set for hearing on October 1, 2008.

13 WHEREAS the first response solicited in the “Standing Order” to counsel relates to the  
14 issue of “Jurisdiction and Service” and the issue of federal jurisdiction is the very matter which the  
15 Court will be addressing during the hearing set for October 1, 2008.

16 WHEREAS the Case Management Conference has not previously been continued from  
17 an earlier date.

18 IT IS HEREBY STIPULATED AND AGREED by and between C-One and Pretec on the one hand  
19 and M&S on the other, by and through their respective counsel undersigned, that, with the Court’s  
20 permission:

- 21 1. The Case Management Conference now scheduled for August 28, 2008 shall be

1 continued for not less than forty-five (45) days after the issuance of the Court's rulings on the  
2 motions currently set for hearing on October 1, 2008.

3 2. The deadline for the submission of the Joint Case Management Statement shall be  
4 continued to date not less than seven days prior to the rescheduled date for the Case Management  
5 Conference.

6 3. That all other orders related to case management, discovery, and/or other pre-trial  
7 matters be stayed pending the Court's rulings and Orders on the motions now set for hearing on  
8 October 1, 2008.

9  
10 ACCORDINGLY, the parties hereby stipulate that, with the Court's permission, the  
11 deadline for submission of the Joint Case Management Statement be continued until not less than  
12 seven days prior to the date set for the continued Case Management Conference, that the continued  
13 Case Management Conference be set at the convenience of the Court for a date not less than forty-  
14 five (45) days after its Court's rulings on the motions currently set for hearing on October 1, 2008,  
15 and that all other orders related to case management, discovery, and/or other pre-trial matters be  
16 stayed pending the Court's rulings and Orders on the motions now set for hearing on October 1,  
17 2008.

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19 By his signature below counsel for M&S attests under penalty of perjury that he has met and  
20 conferred with counsel for C-One and Pretec and that he concurs in the filing of this Stipulation.  
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2 Dated: August 19, 2008

By: /s/ D. P. Sindicich  
Signed Electronically  
D. P. Sindicich [SBN 78162]  
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Attorneys for Plaintiffs  
C-One and Pretec

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11 Dated: August 19, 2008

By: /s/ Jerry R. Hauser  
Signed Electronically  
Jerry R. Hauser [SBN: 111568]  
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Attorneys for Defendants  
Mount & Stoelker, P.C., and  
Daniel S. Mount

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26 **STIPULATED REQUEST FOR ORDER CHANGING TIME**  
27 **C-ONE TECHNOLOGY -V- MOUNT & STOELKER**  
28 **Case No. C 08-02442 PJH**

**Supporting Declaration of D. P. Sindicich**

I, D. P. Sindicich, declare as follows:

1. I am an attorney an attorney admitted to practice in the State of California and the United States District Court for the Northern and Central Districts of California, and am Of Counsel for the firm Matthews & Partners, attorneys of record for C-One and Pretec, the Plaintiffs in the above-captioned cause. The matters referred to in this declaration are based on my own personal knowledge and if called as a witness I could and would so testify competently to those matters.

3. This morning I telephoned Jerry Hauser, attorney for Defendants Mount and Stoelker et al pursuant to the requirements of Civil Local Rule 16 *et seq.* and preparatory to completion of a Joint Case Management Conference Statement. During the course of this conversation we met and conferred both agreed to a continuance of the Case Management Conference, the deadline to file a Joint Case Management Conference Statement, and that all other orders related to case management, discovery, and/or other pre-trial matters be stayed pending the Court's rulings and Orders on Defendant Mount and Stoelker's motions now set for hearing on October 1, 2008.

4. It was further agreed that this joint stipulation would be e-filed through the auspices of Mr. Hauser's firm.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on August 19, 2008 in the City of Redlands, State of California.

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/s/ D. P. Sindicich  
Signed Electronically  
D. P. Sindicich

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22 ~~[Proposed]~~ Order

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 The Case Management Conference in the above captioned matter now set for August 28,

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26 **STIPULATED REQUEST FOR ORDER CHANGING TIME**  
27 **C-ONE TECHNOLOGY -V- MOUNT & STOELKER**  
28 **Case No. C 08-02442 PJH**

1 2008 shall be continued to a date convenient to the Court not less than forty-five (45) days after the  
2 Court's rulings on Defendants' Motions now set for hearing on October 1, 2008.

3 The deadline for submission of the required Joint Case Management Conference Statement  
4 shall be reset for a date not less than seven (7) days before the date of the rescheduled Case  
5 Management Conference.

6 All other orders related to case management, discovery, and/or other pre-trial matters are to  
7 be stayed pending the Court's rulings and Orders on Defendant Mount and Stoelker's motions now  
8 set for hearing on October 1, 2008.

10 SO ORDERED

12 Date: August 26, 2008

